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9	BEFOR	E THE
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
11	STATE OF C	
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13	In the Matter of the Accusation Against:	Case No. 2013-922
14	TERESA MAE WHITE a.k.a. TERESA MARTINOLICH	
15	a.k.a. TERESA MARTINOLICH WHITE 93159 Brownsmead Hill Road	ACCUSATION
16	Astoria, OR 97103	
17	Registered Nurse License No. 643318	
18	Respondent.	
19	Complement alleges	
	Complainant alleges:	
20	<u>PARTIES</u>	
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
23	Consumer Affairs.	
24	2. On or about August 19, 2004, the Board of Registered Nursing issued Registered	
25	Nurse License Number 643318 to Teresa Mae White, a.k.a. Teresa Martinolich, a.k.a. Teresa	
26	Martinolich White (Respondent). The Registered Nurse License expired on March 31, 2012, and	
27	has not been renewed.	
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<u>JURISDICTION</u>

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 118 of the Code provides, in pertinent part, that an expired license may be disciplined if it is subject to reinstatement. Under section 2811(b) of the Code, the Board may renew an expired license at any time.

STATUTORY AND REGULATORY PROVISIONS

6. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.
- 7. California Code of Regulations, title 16, section 1419.3(b), states that "a licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty

fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline) (Bus. & Prof. Section 2761, subd. (a)(4))

- 9. Respondent is subject to disciplinary action under section 2761(a)(4) of the Code in that on or about July 18, 2012, in *The Matter of Teresa Martinolich, RN, License No.* 097003211RN, Reference No. 12-01196, the Oregon State of Nursing (Oregon Board) made Findings of Fact, Conclusions of Law and issued an Order thereon to revoke Respondent's nursing license for reasons substantially related to the practice of nursing. The circumstances are as follows:
- 10. On or about November 29, 2011, the Oregon Board received information alleging that Respondent tested positive on a drug screen for THC, Methamphetamine, Opiates, and Amphetamines, prior to the delivery of her child and that the child showed withdrawal symptoms during delivery. Respondent failed to respond to subsequent attempts by Oregon Board staff to interview her and, on March 21, 2012, her license was suspended until she fully complied and cooperated with the Oregon Board's investigation.
- 11. On or about June 27, 2012, the Oregon Board served Respondent with a Notice of Proposed Revocation of Registered Nurse License and granted her an opportunity for hearing if

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1	requested within 20 days of the mailing of the Notice. Respondent defaulted on the Notice by	
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	failing to respond within the allotted time period and, as a result, Respondent's license to practice	
3	nursing in Oregon was revoked on or about July 18, 2012.	
	PRAYER	
4		
5	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
6	and that following the hearing, the Board of Registered Nursing issue a decision:	
7	1. Revoking or suspending Registered Nurse License Number 643318, issued to Teresa	
8	Mae White, a.k.a. Teresa Martinolich, a.k.a. Teresa Martinolich White;	
9	2. Ordering Teresa Mae White, a.k.a. Teresa Martinolich, a.k.a. Teresa Martinolich	
10	White, to pay the Board of Registered Nursing the reasonable costs of the investigation and	
11	enforcement of this case, pursuant to Business and Professions Code section 125.3;	
12	3. Taking such other and further action as deemed necessary and proper.	
13	DATED: APRIL 18, 2013 LOUISE R. BAILEY, M.ED., RN Executive Officer Board of Registered Nursing Department of Consumer Affairs State of California	
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18	Complainant	
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